



MEMO ENDORSED

June 2, 2017

BY EMAIL

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

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Re: United States v. Percoco, et al., S1 16 Cr. 776 (VEC)

Dear Judge Caproni:

We represent Louis Ciminelli in the above matter. We filed motions on Friday, May 19, 2017, and submitted courtesy copies of our papers on Monday, May 22, 2017. We initially withheld from filing certain exhibits, pursuant to the procedures set forth in the Protective Order, including the Government's "discovery index." (See Decl. of Jessica A. Masella, dated May 19, 2017 (the "Masella Declaration"), Ex. T, Doc. No. 227-23). On May 23, 2017, after redacting certain exhibits, we re-filed the Masella Declaration with a complete set of exhibits, including the discovery index. (Doc. No. 243-23).

Subsequently, counsel for one co-defendant has indicated his belief that the index may reveal "Restricted Information." While the Government did not object to the public filing of this index, we want to respect that other defendant's view that the filing of the index may inadvertently reveal Restricted Information. Therefore, we respectfully ask that the Court direct that Exhibit T to the Masella Declaration (Doc. No. 243-23) be stricken from the record, so that we may re-file the exhibit under seal using the procedures set forth in the Protective Order. The Government does not object to this application. Thank you for your attention to this matter.

Respectfully submitted,

Jessica A. Masella
Partner

JAM

CC: All Counsel (Via Email)

Application GRANTED. Exhibit T to the Masella Declaration [Dkt. 243-23] is STRICKEN. Not later than June 8, 2017, counsel must file this letter on ECF and re-file Exhibit T in accordance with the Protective Order.

SO ORDERED.

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE
6/5/2017